

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN E. MITCHELL,

Plaintiff,

v.

R. DIAZ, et al.,

Defendants.

Case No. 1:22-cv-00006-EPG (PC)

ORDER REQUIRING THE WARDEN OF
KERN VALLEY STATE PRISON TO
RESPOND TO PLAINTIFF'S MOTION
FOR AN ORDER UNDER THE ALL
WRITS ACT (ECF NO. 7)

ORDER DIRECTING CLERK TO SERVE
A COPY OF THIS ORDER AND THE
MOTION FOR AN ORDER UNDER THE
ALL WRITS ACT (ECF NO. 7) ON
SENIOR ASSISTANT ATTORNEY
GENERAL MONICA ANDERSON AND
THE WARDEN OF KERN VALLEY
STATE PRISON

ORDER DIRECTING CLERK TO SEND
AN ADDITIONAL COPY OF THIS
ORDER TO PLAINTIFF AT KERN
VALLEY STATE PRISON

John Mitchell ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action.

On February 14, 2022, Plaintiff filed a motion for an order under the All Writs Act. (ECF No. 7). Plaintiff alleges that he is being held at Kern Valley State Prison ("KVSP") in Administrative Segregation #1 ("ASU 1"), despite the fact that he already appeared for his state court case. He is waiting for someone to schedule him for the four-hour van ride back to CSP-Sacramento, where he resides. Plaintiff has repeatedly been transferred to KVSP because of the state court case. After each drive, he is placed in ASU 1 for up to two weeks. While

1 confined, he receives no mental health therapy, despite being an E.O.P, which is a violation of
2 Armstrong v. Newsom. Almost all other inmates that come to KVSP to attend court are put in
3 a van within seventy-two hours and returned back to their institution of confinement. However,
4 Plaintiff's transfer is delayed, and he is being confined in Ad-Seg for twenty-four hours a day.
5 Moreover, Plaintiff was previously attacked at KVSP, and on November 14, 2021, Correctional
6 Officer Pompa, who previously beat Plaintiff, threatened Plaintiff, despite having a "Staff Keep
7 Away" from Plaintiff. Plaintiff believes that officers at KVSP are going to use other inmates to
8 attack him (Plaintiff is one of the Plaintiff's in Armstrong v. Newsom, and a law firm
9 completed a declaration from Plaintiff that was used to support the order mandating that KVSP
10 officers have to wear cameras. This has made Plaintiff a target).

11 Plaintiff asks for an order directed at the Warden of KVSP to transfer Plaintiff back to
12 CSP-Sacramento within twenty-four hours if there is no legitimate penological purpose to hold
13 Plaintiff and/or if there is no court date within seven days of his last court date.

14 Given Plaintiff's allegations, and that Plaintiff is requesting relief under the All Writs
15 Act, the Court will require the Warden of Kern Valley State Prison to file a response to
16 Plaintiff's motion.

17 Accordingly, IT IS ORDERED that:

- 18 1. Within fourteen (14) days from the date of service of this order, the Warden of
19 Kern Valley State Prison shall file a response to Plaintiff's motion (ECF No. 7);
- 20 2. The Clerk of Court is directed to serve Senior Assistant Attorney General
21 Monica Anderson and the Warden of Kern Valley State Prison with a copy of
22 this order and Plaintiff's motion (ECF No. 7); and

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3. The Clerk of Court is directed to send an additional copy of this order to
Plaintiff at Kern Valley State Prison, P.O. Box 5107, Delano, CA 93216.

IT IS SO ORDERED.

Dated: **February 15, 2022**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE